

**ALLEGED SHIPMENT:** On or about January 14 and February 6 and 12, 1952, from the State of New York, into the State of Pennsylvania.

**LABEL, IN PART:** "P-R Brand \* \* \* Egg Noodles [or "Spaghetti," "Spaghettini," "Acine Di Pepe," "Mezzani," or "Elbow"]."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of insects, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** December 2, 1952. A plea of guilty having been entered, the court fined the corporation \$2,500.

**19210. Adulteration and misbranding of spaghetti and vermicelli. U. S. v. 150 Cases, etc. F. D. C. No. 33134. Sample Nos. 13935-L, 13936-L, 14219-L, 14220-L.)**

**LABEL FILED:** July 7, 1952, District of Colorado.

**ALLEGED SHIPMENT:** Between the approximate dates of January 27 and April 28, 1952, by Ravarino & Freschi, Inc., from St. Louis, Mo.

**PRODUCT:** 150 cases, each containing 24 1-pound packages, and 11 cases, each containing various numbers of 1-pound packages, of egg spaghetti; and 109 cases, each containing 24 1-pound packages, and 15 cases, each containing various numbers of 1-pound packages, of egg vermicelli, at Denver, Colo.

**LABEL, IN PART:** "R-F Egg Spaghetti [or "Egg Vermicelli"] \* \* \* Guaranteed to contain 5½% Egg Yolk Solids."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, egg yolk, had been in part omitted from the products.

Misbranding, Section 403 (a), the label statement "Guaranteed to contain 5½% Egg Yolk Solids" was false and misleading since the products contained less than 5.5 percent of egg yolk solids; and, Section 403 (g) (1), the products failed to conform to the definitions and standards of identity for noodle products since they contained less than 5.5 percent by weight of the solids of egg or egg yolk.

**DISPOSITION:** August 4, 1952. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond to be relabeled, under the supervision of the Federal Security Agency.

#### MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

**19211. Adulteration of unpopped popcorn. U. S. v. Pelton Popcorn Co. and Robert B. Pelton. Pleas of guilty. Each defendant fined \$100. (F. D. C. No. 32808. Sample No. 6830-L.)**

**INFORMATION FILED:** August 20, 1952, Northern District of Ohio, against the Pelton Popcorn Co., a partnership, Bloomdale, Ohio, and Robert B. Pelton, a partner.

**ALLEGED SHIPMENT:** On or about December 5, 1951, from the State of Ohio into the State of New York.

**LABEL, IN PART:** "Peltons Yellow Popcorn."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent hair fragments

and insect fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 11, 1952. Pleas of guilty having been entered, the court fined each defendant \$100.

**19212. Adulteration of unpopped popcorn. U. S. v. 10 Sacks \* \* \*. (F. D. C. No. 33115. Sample No. 40692-L.)**

LIBEL FILED: May 7, 1952, Western District of Washington.

ALLEGED SHIPMENT: On or about March 29, 1950, from Nampa, Idaho.

PRODUCT: 10 100-pound sacks of unpopped popcorn at Tacoma, Wash.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 17, 1952. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

**19213. Misbranding of barley cereal and honey. U. S. v. 64 Cases, etc. (F. D. C. No. 33272. Sample Nos. 36966-L, 36967-L.)**

LIBEL FILED: May 27, 1952, Southern District of New York.

ALLEGED SHIPMENT: On or about December 6, 1951, and January 25, 1952, from Paterson, N. J., and Los Angeles, Calif.

PRODUCT: 64 16-ounce boxes of barley cereal and 26 5-ounce jars and 18 1-pound jars of honey, at New York, N. Y., in the possession of Lust's Health Food Bakery, Inc.

RESULTS OF INVESTIGATION: The articles were shipped in bulk, and upon receipt by the consignee, they were repacked and relabeled.

LABEL, IN PART: (Box) "Lust's Old Fashion Barley Health Cereal"; (jar) "Pure Nature-Sweet Orange Blossom Honey."

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements on the labels of the articles were false and misleading. The statements represented and suggested that the barley cereal was effective to make pure blood, to aid digestion, to insure sleep, to promote health, to cure sickness, and to prevent nervousness and sleeplessness, and that the honey was effective in building blood. The articles were not effective for such purposes. The articles were misbranded in such respects while held for sale after shipment in interstate commerce.

The articles were alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 3894.

DISPOSITION: October 2, 1952. Default decree of condemnation. The court ordered that a portion of the products be delivered to the Food and Drug Administration and that the remainder be destroyed.